Re: I want to send this email to NJDEP

Barbara Hirst to: Felix Locicero 01/26/2012 09:14 AM
Cc: Rosella OConnor, Douglas Pabst, Antony Tseng

We all agree there is a need for real time dialogue on this matter and I will have Ursula search for times that work for folks here and she will reach out to you. From your email, it seems there is some lack of clarity on the issues and needs such as:

Boundary inputs: recall that it was as a result of asking how HydroQual calculated 35 geomean inputs from the boundaries so we could do the same with Stevens work that we discovered that HydroQual's description of the boundary assumption of "meets standards" really meant "35 all the time" which is not the standard, it is more stringent than the standard. This is what initiated the concern that the modeled results for the harbor could not be relied upon as they were because they assumed a more stringent threshold from upstream boundaries than would occur if water quality that met standards was the boundary input. The affect in the modeled area would be to start with a quality better than should be expected. The model would then call for less stringent reductions in the modeled area needed to meet standards where they are not met (per model run to date, Passaic and Hackensack) and could alter the finding that standards are met in other waters. As NJ and EPA are engaged in a dialogue and strategy development intended to result in final LTCP permits for all CSO waters, and the actions for the remaining harbor waters depends on the finding from the water quality model that the standards are met without further action based on the model, it is not appropriate to limit the view to the Passaic and Hackensack. We need to have a consistent and defensible approach for the findings for the whole harbor. Therefore, essential to moving forward is that we need to settle on defensible and consistent boundary assumptions for the whole harbor to move this forward. Stevens can give us geomean inputs at Dundee via the model they are developing, when it is complete, but we can also consider a consistent approach for the harbor based on a different method, if we can agree on one (Robin's method is certainly on the table for discussion).

Assistance from HydroQual: I am not sure what you are asking here; we have provided our needs already and discussed it as well. Are you talking about re: the geomean and what else the tmdl model run should encompass? If so, I think we will come to that as an outcome of the conference call we are scheduling.

>>> Felix Locicero <Locicero.Felix@epamail.epa.gov> 1/25/2012 8:56 AM >>>
Barbara,

As I was getting ready to send you this email, Dough Pabst stopped in and told me that Jill and Jeff have talked and that Jill indicated that Stevens can't give you the variable boundary load data/approach you want to assess for boundary loads from the Saddle River and Dundee Dam. (Maybe you should reconsider and go back to establishing boundary loads at the standard.) Jill also asked Jeff for HydroQual assistance and a meeting between NJDEP and EPA to discuss this issue.

We should have this meeting/call as soon as possible. Please check and see what days and times between tomorrow Thursday Jan. 26 and Thursday Feb 2 will work for NJDEP and I will do the same here and get back to you in a bit.

I ask that you send me an outline of the support you are requesting HydroQual to provide. The sooner the better, so we can assess the cost of this new work and whether it fits in the new budget.

Thanks

Felix

P.S. I think it is worth your reading the email I had planned on sending you.

Maybe I was not very clear in my last email. There is money currently in the HydroQual contract that we are borrowing to complete the pathogen work that you have requested. We have found money and are going enough money into the contract to support HydroQual's future technical and response to public notice comments. So at this time, money to complete the pathogen TMDLs is not an issue.

That said, we need to focus on completing the work necessary for HydroQual to calculate the TMDL and provide you with a TMDL document. EPA has committed to get you that info by the end of Feb. 2012. The problem is that meeting this schedule is dependant on NJDEP and HydroQual taking the necessary steps not EPA.

Let's stay focused on the Passaic and Hackensack not begin reassing decisions made years ago for all waters. If you can

provide upstream
relief in the Passaic when you establish the TMDL
that is your decision.
If, at some point in the future, NJDEP decides to re
assess boundary
condition in the other NJDEP Harbor waters that are
currently meeting the
criteria, that is up to the NJDEP but at this time we
are not working on
waters other than the Hackensack and Passaic Rivers.
Please, let's stay
focused on getting these TMDLs done.

It is my understanding that you need to make a
decision on the Saddle
River and Dundee Dam boundary loads based on what
your upstream model will
achieve, than have HydroQual determine, it with those
boundary loads, the
Hackensack and Passaic River will meet the pathogen
criteria. In Jan 10,
2012 message to Rosella you told her Stevens is
working on it and it may
take up to a month. Do you expect Stevens to
provide the info on Saddle
River and the Dundee Dam boundary conditions by
Feb.10, 2012?

Please provide a time frame for Stevens to provide
you boundary data and
for you to provide HydroQual the boundary
data/approach for the Passaic.

From: "Barbara Hirst"
<Barbara.Hirst@dep.state.nj.us>
To: "Helen Pang" <Helen.Pang@dep.state.nj.us>,
Felix
Locicero/R2/USEPA/US@EPA
Cc: Rosella OConnor/R2/USEPA/US@EPA, Antony
Tseng/R2/USEPA/US@EPA
Date: 01/24/2012 04:54 PM
Subject: Re: I want to send this email to
NJDEP

I had just started to reply to your earlier email
when this came. It is
certainly your call as to whether you believe it is
correct to pay for
runs that are needed to address issues like: what
does it take to get
compliance everywhere and to use boundary loads that
are actually "meeting
standards" and are not reflective of a steady
concentration input, clearly

not the standard. I believe those things should have been done under past
task orders.

As to how to defensibly generate geomean boundary loadings, the suggestion
put forth by Robin is being evaluated here, so it would be premature to
proceed until we agree that is a the best/most defensible way to calculate
that loading. Once we agree as to the best way to do this, we will want
to do the same method to generate loadings from the Stevens model to the
harbor model. It is also possible we could move forward with HydroQual
applying a consistent methodology at all boundaries, but that too has not
been decided here. Of course this begs the question: shouldn't this be
done at all harbor boundaries, else how can we be sure we meet standards
in the other waters. Another point: the worst grid in Passaic at 87% is
at 23, more stringent by a lot than the standard, so we will need to
determine the real level of reduction needed, which may be less than 87%
when all input and tmdl condition assumptions have been agreed to. Not
sure how many runs it will take to determine this. Bottom line, I can't
recommend that the proposed boundary calc and associated runs proceed as
described given the premise you set that money is extremely limited. We
need to get concurrence on the input and design condition assumptions and
then we can craft the runs needed to get the tmdl result. As soon as I
have received direction from management on these matters, we will know how
to proceed and can talk about timeframe. I think we will need a meeting
of the tech and policy minds on these issues.

>>> Felix Locicero <Locicero.Felix@epamail.epa.gov> 1/24/2012 3:41 PM >>>
Barbara,

We need to bring the remaining pathogen issues to conclusion as soon as
possible. As you know HydroQual has already done a number of things that
were not expected or funded and needs to do additional unfunded work to
provide NJDEP with what it needs to move forward with these TMDLs. As I
understand it, before HydroQual can move foward, NJDEP must give
HydroQual boundary load data/approach for the Saddle

River and Dundee Dam.

Robin has indicated that the following work has been completed or must be completed once NJDEP provides the boundary data/approach. HydroQual has been using existing funds to complete the unexpected work that has already been completed. Funding beyond what remains in the document development pot is necessary to complete the work that remains.

As discussed, additional funds are needed to cover two things. First, the

modeling work we have done to date to address grid cell by grid cell compliance and annual vs. seasonal compliance. The idea would be to replenish those funds so we don?t fall short on the document or tech support later. Second, the new work that NJ is asking for related to Passaic River and Saddle River tributary boundary geometric means.

Here is the additional scope:
-PATH model simulations to support EPA and the States in determining standard attainment at all locations in the Hackensack and Passaic Rivers.

(completed by using existing funds)

-Processing of PATH model outputs to gage level of standards attainment outside the bathing season. (completed by using existing funds)

-Analysis of variation in NJHDG group Saddle River and Dundee Dam Enterococci data. The variation will be used for developing time variable

concentrations (above and below 35/100 ml, not constant at 35/100 ml) of TMDL PATH model inputs that comply with the seasonal geometric mean standard. This provides relief/equity to upstream dischargers who should not be held to achieving 35/100 ml at all times."

-PATH model simulations for the 2000 and 2003 years (since they bound the

1 in 3 year return interval) with levels of reductions from the most recent PATH simulation repeated (Passaic CSO 87%, Hackensack CSO 70%, 10%SW in Hackensack and Passaic, since these had

seasonal compliance in
all grid cells), except for in the new simulations,
vary in time Saddle
and Dundee Enterococci concentrations as directed by
EPA and the State
based on the results of the review of variation in
NJHDG data.

-Report Hackensack and Passaic seasonal geo mean
Enterococci outputs in
every grid cell for 1 in 3 year return frequency.
If EPA/State likes compliance results, run for the
additional 11 years.
If non-compliance of if EPA/State doesn?t like
compliance results, re-run

2000 and 2003 with a different Passaic CSO reduction,
check output, and
then run for the additional 11 years.".

Antony, Robin and I have discussed the funding need
to complete this
effort and the money allotted for response to public
comment support is
sufficient to address the above and allow Robin to
complete the TMDL
document. Antony is in the process of providing our
contractor verbal
directions to use the public comment support money to
complete the above
and the development of the TMDL document. This is a
short term fix that
will allow HydroQual to complete the above work and
provide NJDEP what it
needs to mover forward with the establishment and
public notice of these
TMDLs as quickly as possible.

The longer term fix is for Antony to add sufficient
money into this
contract to assure that NJDEP will have access to
HydroQual for technical
support and response to public comments. The good
news is that we have
found sufficient money to replace what will be used.
While it will take
time to put this money in the contract, Antony will
begin the process
shortly. We expect that funds will in the contract
and HydroQual will be
available to support NJDEP through the response to
comment process.

Keeping in mind that our time frame for completing
all the above work and
providing NJDEP with a TMDL document is the end of
February 2012, I ask
that NJDEP provide EPA and HydroQual a time frame for
its decision on
boundary load data/approach to be used and whether
that the above work

outlined by HydroQual is sufficient to address NJDEP's concerns regarding the boundary loads which should be used to calculate the load reductions necessary in the Hackensack and Passaic Rivers and calculate the final TMDLs.

Once HydroQual has the boundary load data/approach it will begin the above

work.

Thanks

Felix